

Herald of Freedom.

G. W. BROWN, Editor.
A. WATKINS, Assistant Editor.
H. YOUNG, Corresponding Editor.

LAWRENCE, KANSAS.

SATURDAY MORNING, JAN. 17, 1857.

TERMS—\$2.00 PER ANNUM, IN ADVANCE.

Meeting of the Territorial Legislature.

This body met at Leavenworth on Monday the 12th inst., at 10 o'clock A. M. The Council was called to order, and after prayer by the Rev. Thomas Johnson, of the Shawnee Mission, President of the Council, they proceeded to the election of officers. Rev. Mr. Johnson was elected President; Mr. Reese, of Leavenworth, President pro tem.; Clark Hughes, Charles Grover, Assistants; Scott Boyle, Engraving Clerk, and Gen. Samuel Cramer, Sergeant-at-Arms. A resolution was offered by Gen. Eastin, of the Leavenworth Herald, admitting reporters to the Hall, and providing accommodation for them. Objections were urged against their admission by Gen. Richardson, who said that the abolitionists would lie about them. He saw one standing outside the bar, who had maligned every honest pro-slavery man in the Territory. He meant the correspondent of the New York Tribune. He had heard that individual boast of his ability to get up a report in regard to ravishing women last summer, and he hoped the Council would not admit these reporters.

Mr. Reese hoped that the resolution would pass. For his part, he would not care if Horace Greeley were there himself, so that they might see what a dirty dog he was. As for their lying, they would lie, whether they admitted them or not, and they might as well give them a fair chance.

The motion was passed, with a proviso, that they could turn them out whenever they became obnoxious.

Several unimportant motions were made, and the Council adjourned till 10 A. M. next day.

The House of Representatives met, and immediately proceeded to ballot for Speaker. After several ineffectual ballots the House took a recess till half past 3 P. M., when they re-assembled, and on the seventh ballot elected W. G. Mathias, of Leavenworth, Speaker; Dr. Wm. H. Tibbe, of Platte County, Missouri, Speaker pro tem.; Chief Clerk, Mr. Bishop, of Leavenworth; Assistant Clerk, Mr. Fleming, editor Leavenworth Journal; Sergeant at Arms, Capt. Robinson. Jos. C. Anderson, on nominating the gallant Captain, said he deserved the suffrages of that body on account of his conduct at Hickory Point—he having been wounded at that engagement. He was chosen Sergeant by all but two votes. The Free State men are imprisoned for their participation in that affair, committed and sentenced to long terms of imprisonment. The pro-slavery men are raised and honored by office.

Mr. Jackson, of the 11th District, was elevated to Doorkeeper. His qualification for office was, as one of the members expressed it, that he had "fit somewhat" under Gen. Harrison. He was unanimously appointed. The House then adjourned, without waiting for the Governor's message.

A convention of the pro-slavery party met in the Hall previous to the assembling of the representatives, and adjourned over till evening. The policy pursued by some members was evidently to prevent the organization of the House, so that the message could not be read, and this convention he compelled to proceed to business without that document to discuss. There is evidently a strong Anti-Geary feeling, and no doubt his policy will be condemned by the Legislature.

Arrest of the Free State Legislature.

We announced in a part of our last issue, that the members of this body had been arrested on a writ issued by Judge Cato, charged with usurping the functions of Senators and Representatives of the State of Kansas, on the 4th of March last; and, as will be seen by a report in another column, they were taken to Tecumseh and admitted to bail, to answer the charge at the next sitting of the Court.

It was the evident design of the pro-slavery party, in this move, to in some manner embroil Gov. Geary with one party or the other, and thus in a measure affect the harmony and good will that now exists between His Excellency and all the peaceable and well-disposed citizens of Kansas.

They had calculated that the Free State men would resist the peaceable execution of the process, and then they would apply to Gov. Geary for a posse, expecting if he complied that it would bring him into disgrace with the Free State party, and if he refused, the pro-slavery organs would raise the cry of "abolitionist," &c., upon him, and complaining thus, endeavor to bring him at Washington. By the wise and judicious course of our Legislature, in adjourning that body after accomplishing their object, that of memorializing Congress for admission into the Union as a State, and offering no resistance to the Marshal, this scheme was completely thrown over, and instead of achieving success, the ultra have only covered themselves with ridicule, and added another leaf to the laurels of the Free State party in Kansas.

Kansas State Legislature.

This body assembled at Topeka on Tuesday, the 6th inst. At 12 o'clock the Senate and House were called to order. Prayer having been offered by the Chaplains, the rolls were called, and, there not being a quorum, both houses adjourned till three o'clock P. M. The Legislature met as per adjournment, and organized by the election of officers.

A committee was appointed by the House of Representatives, to draft and report a memorial to Congress, setting forth our grievances, and asking admission into the Union as a State. The Senate concurred in the resolution, and appointed a committee of one to act with the House Committee. A committee was also appointed to draft and report an Election Bill. Both bodies then adjourned till Wednesday, at 10 A. M.

Wednesday, 7th inst.—The Legislature assembled, and on motion the House invited the Senate to hear the report of Committee on Memorial. The following memorial was reported by the committee:

To the Honorable the Senate and House of Representatives of the United States.

Your memorialists, members of the Legislature of Kansas, under the Topeka Constitution, at their annual convention, respectfully submit to you honorable body the grievances of our constituents, for which we seek redress. You cannot be ignorant of the fact, that the position which the people of Kansas are compelled to occupy before the world, is one of strange and singular character. The organic act by which this Territory was opened to settlement, without distinction of party, gave promises of protection to all who might avail themselves of its offers. Confidently relying in the ability and integrity of the Government, to maintain in good faith the spirit and substance of the law, the people of Kansas became the actual settlers of the soil, and in that capacity have prepared themselves for a State government, by framing a Constitution and electing representatives to provide for their interests by legislation.

The cases which impelled the people to resort to this organization, were simple and obvious to every attentive observer of our history as a political community. In the outset, we were without local laws to regulate our internal affairs. The power to accomplish this indispensable duty, was, it is conceded, conferred upon the people by the terms of the organic act. The attempt to exercise in the first instance proved abortive, resulting as it did in a wholesale and monstrous usurpation of power, by a horde of unscrupulous partisans, strangers to our soil—in the prostration of the people, who were first defrauded, and afterwards disfranchised of their political privileges, under enactments that have no one element of law in their structure, and no single pretence of justice in the results sought to be accomplished. To remedy this state of public affairs, the people were forced to seek some organization whereby to conserve and keep alive the germ of their constitutional freedom. In this spirit, the scheme of a State organization was submitted to the consideration of the people of the Territory. Ample and abundant time for reason and reflection—comporting with the dignity and importance of the step, was afforded. The principles by which the soundness of this scheme was to be tested, were carefully analyzed and examined in primary meetings and delegate conventions, irrespective of parties, until the subject seemed fully exhausted.

The result is before the country in the Constitution for a State, framed at Topeka, by the delegates of the people, chosen for that purpose. That instrument subsequently submitted for popular approval, was adopted with singular unanimity, considering the important character of the topic involved; some of which, at least, had been the subject matter of long and acrimonious controversy. The fate of this experiment has been watched with unpeopled solicitude by those who conceived their interests as a people to be indissolubly connected with the final establishment of its supremacy in the State. From day to day the evidence of a growing popularity extended toward the movement, have been multiplied around us on every hand. A singular controversy has prevailed in Congress, as well as in Congress, as well as in the political world at large, relative to the merits of this movement, and the motives which originated it.

Those who act with the party now administering the government have pretended to discover treason lurking in its secret folds. The fires of vituperation have been kindled, and the alleged public rights of the people have been vehemently and coarsely assailed. It is respectfully suggested that it would be much more honorable and to the point to indicate some material political untruth in the theory which we rely upon to sustain our practical efforts in this organization.

It is difficult, if not impossible, to see how hostility to the Constitution of the United States can be justly ascribed to those who carefully conserve the principles which underlie that document, by studiously observing the will of the majority of the people legitimately declared. To this extent and no more, are we guilty of any infraction of Republican principles.

We have steadily disclaimed, and now reiterate the disclaimer, that any disloyalty to the regularly constituted authorities of the general government was purposed or practised. On the other hand, no positive or affirmative power has been exercised. Our action has been made to conform to the theory, that the general government alone could infuse vitality into the forms, simply prepared beforehand to receive it, and to direct it at once to the relief of an oppressed and outraged people. Fully preserving this idea, and intending to solicit at every opportunity the attention of Congress to our grievances as a people, respectful

ly indicating, at the same time, the State organization as the remedy we deem best adapted to our political exigencies, we pray now, as we have hitherto done, that this work of a free spirited and intelligent people, may, by your sanction and approval, be made operative and efficient to the great end for which it was prepared.

Thus we ask for the protection of your honorable body, whose province and whose constitutional duty it is to afford it. As faithful and obedient citizens we are entitled to this inalienable right; we are entitled to it by all the glorious events of our history as a nation, in whose fame we are common with the whole American people feel a just pride, and we respectfully submit whether, if our humble petitions for redress are to be answered only with contempt.

May not the example of those who in the earlier days of the Republic, struggled for constitutional freedom, suggest a course which it will be our right and duty to adopt?

And your Memorialists will ever pray.

J. G. THORNTON, Pres't of Senate.

JOHN HUTCHINSON, Sp'kr of H. of R.

At this stage of proceedings, a U. S. Deputy Marshal Pardee was in town, with a writ from Judge Cato for the arrest of members, on the charge of usurping the government on the 4th of March, 1856. After consultation, it was resolved to adjourn till the second Tuesday in June next. The Marshal then appeared in the hall, read the writ, which was sworn out by Ex-Sheriff Jones. The persons arrested were taken to Tecumseh, and on Thursday were brought before Judge Cato, who admitted them to bail in the sum of \$500, on their own personal recognizances.

Governor's Message.

Let every body read the Governor's Message. Were it not for the fact that he is compelled, from his position, to endorse the bogus Legislature, and had he omitted to refer to the repeal of the Missouri Compromise with evident gratification, we should have been very well pleased with it. It is a very fair, straight-forward, business document, pleasant to read, and dealing generally in facts; and, on the whole, it is a meritorious State paper, and will be sought after with deep interest all over the States. Indeed it will be copied nearly as widely as was the President's Message, and its facts will serve to guide politicians and direct Congressional action. We are apprehensive, from what information we have already received from Leavenworth, that his suggestions will be little heeded by those to whom it was particularly directed.

Our terms for advertising are ten cents a line for the first insertion, and five cents a line for each subsequent insertion. A paper of melon seeds will not remunerate us for devoting half a column to a communication, the object of which is to induce the people to purchase it from a particular individual. We frequently receive articles of trifling value for which a long notice is expected. We wish "all the world and the rest of mankind" to understand that we have published a paper long enough for glory. Hereafter we shall labor to make it pay, and this we are bound to do or abandon the business. We have labored as faithfully and sacrificed as much, we believe, as any man in Kansas, to aid the cause of freedom, and yet may be villainous enough to impugn our motives, and do it continually. Such persons, and all others will understand that while our paper will remain our organ, and ours only, those who wish to use it for sinister motives must seek another sheet, and those who wish to advertise their wares, or seeds, must pay the printer.

Surveyors' Protest.

About four weeks since, a terrible accident occurred to a party of U. S. Surveyors, who were engaged in the survey, some distance west of Fort Riley. They were camped on the open prairie, in two separate parties, when a terrible storm of snow and wind came up and one tent in which were seven men, was blown over, and the party set out across the prairie with the intention of reaching the other camp.

They did not succeed in this, and wandered about all night, till the dawn of day showed them their position. Two brothers were frozen to death. They were found next morning in the spot where they had fallen exhausted. Of the other five, all but one were so badly frozen, that they had to be lifted in and out of the wagon which conveyed them down to the eastern part of the Territory. All accounts make the weather intensely cold in the section around Ft. Riley.

The Governor's Message came to hand before our leading editors were in type for this issue. To prevent being behind time we have gone to press without them, but shall insert them on our outside pages next week. We find a great mass of matter accumulated, hence shall be compelled to shove our correspondents aside for awhile.

The members of the I. O. of O. F., in Kansas Territory, are requested to meet at Masonic Hall, in Lawrence, on Saturday evening, the 31st inst., to transact business in regard to organizing a Lodge in Lawrence. The regularly appointed meeting for Saturday evening of this week, will stand adjourned to that time.

MESSAGE

GOVERNOR JOHN W. GEARY,
TO THE
Legislative Assembly of Kansas Territory.

Gentlemen of the Council and of the House of Representatives: The all-wise and beneficent Being, who controls alike the destinies of individuals and of nations, has permitted you to convene this day, charged with grave responsibilities.

The eyes, not only of the people of Kansas, but of the entire Union, are upon you, watching with anxiety the result of your deliberations, and of our joint action in the execution of the delicate and important duties devolving upon us.

Selected at a critical period in the history of the country to discharge the executive functions of this Territory, the obligations I was required to assume were of the most weighty importance. And when I came seriously to contemplate their magnitude, I would have shrunk from the responsibility, were it not for an implicit reliance upon Divine aid, and a full confidence in the virtue, zeal and patriotism of the citizens, without which the wisest executive suggestions must be futile and ineffectual.

To you, legislators, invested with sovereign authority, I look for that hearty co-operation which will enable us successfully to guide the ship of state through the troubled waters, into the haven of safety.

It is with feelings of profound gratitude to Almighty God, the bounteous giver of all good, I have the pleasure of announcing that after the bitter contest of opinion through which we have recently passed, and which has unfortunately led to fratricidal strife, that peace, which I have every reason to believe will be permanent, now reigns throughout this Territory and its people.

It was declared that this Territory is the common property of the people of the several States and that no obstacle should be interposed to its free settlement, while in a Territorial condition, by the citizens of every State of the Union. A just Territorial pride was sought to be infused; a pledge was solemnly given to know no party, no section, nothing but Kansas and the Union—and the people were earnestly invoked to bury the past in oblivion; to suspend hostilities and refrain from the indulgence of bitter feeling; to begin anew; to devote themselves to the true and substantial interests of Kansas; to develop her agricultural and mineral resources; to build up manufactures; to make public roads and other works of internal improvement; to prepare amply for the education of their children; to devote themselves to all the arts of peace, and make this Territory the sanctuary of those cherished principles which protect the inalienable rights of the individual and elevate States in their sovereign capacities.

The foregoing is a brief summary of the principles upon which my administration was commenced. I have steadily adhered to them, and time and trial have served to strengthen my convictions of their justice.

Coincident with my Inaugural were issued two Proclamations, the one, disbanding the Territorial militia, composed of a mixed force of citizens and others, and commanding "all bodies of men, combined, armed and equipped with munitions of war, without authority of the government, instantly to disband or quit the Territory, as they would answer the contrary to their people; the other, ordering all free men citizens qualified to bear arms, between the ages of eighteen and forty-five years, to enroll themselves, that they might be completely organized by companies, regiments, brigades and divisions, and hold themselves in readiness to be mustered, by my order, into the service of the United States, upon requisition of the commander of the military department, in which Kansas is embraced, for the suppression of all unlawful combinations, and the maintenance of public order and civil government."

The policy of these proclamations is so evident, and their beneficial results have been so apparent, as to require no vindication.

The Territory was declared, by the acting Governor, to be in a state of insurrection; the civil authority was powerless—entirely without capacity to vindicate the majesty of the law and restore the broken peace; the existing difficulties were of a far more complicated character than I had anticipated; predatory bands, whose sole aim, unrelieved by the mitigation of a merciful heaven, was assassination, arson, plunder and rapine, held undisturbed possession of some portions of the Territory, while every part of it was kept in constant alarm and terror by the advocates of political sentiment, uniting according to their respective sympathies, in formidable bodies of armed men, completely equipped with munitions of war, and resolved upon mutual extermination as the only hope of peace; unoffending citizens were driven from their homes, and their property was plundered; their lives were in jeopardy; their sacred respect for woman, which has characterized all civilized nations, seemed in the hour of mad excitement to be forgotten; partisan feeling, on all sides, intensely excited by a question which inflamed the entire nation, almost closed the minds of the people against me; idle and mendacious rumors, well calculated to produce exasperation and destroy confidence, were everywhere rife; the most unfortunate places were prevailed; in isolated country places, man's life was safe; robberies and murders were of daily occurrence; nearly every farm house was deserted; no traveler could safely venture on the highway without an escort. This state of affairs was greatly aggravated by the interference of prominent politicians outside of the Territory.

The foregoing is but a faint outline of the fearful condition of things which ruled Kansas and convulsed the nation. The full picture will be drawn by the pen of impartial historians, and the actors in the various scenes will be assigned their true positions.

I came here a stranger to your difficulties, without prejudice, with a solemn sense of my official obligations, and with a lofty resolution to put a speedy termination to events so fraught with evil, and which, if unchecked, would

have flooded the country into the most bloody civil war. Hestiation, or partisan affiliations, would have resulted in certain failure, and only served further to complicate affairs. To restore peace and order, and relieve the people from the evils under which they were laboring, it was necessary that an impartial, independent and just policy should be adopted, which would embrace in its protection all good citizens, without distinction of party, and sternly punish all bad men who continued to disturb the public tranquility. Accordingly my Inaugural Address and Proclamations were immediately circulated among the people, in order that they might have early notice of my intentions.

On the fourteenth day of September, reliable information was received that a large body of armed men were marching to attack Hickory Point on the north side of the Kansas River. I immediately dispatched a Squadron of United States dragoons, with instructions to capture and bring to this place any persons whom they might find acting in violation of my Proclamation. In pursuance of these instructions one hundred and one prisoners were taken and brought here, and committed for trial.

On the portion of the army were performing this duty, I was advised that a large body of men was approaching the town of Lawrence determined upon its destruction. I at once ordered three hundred United States troops to that place, and repaired there in person. Within four miles of Lawrence I found a force of twenty-seven hundred men, consisting of citizens of this Territory, and of other places, organized as Territorial militia, under a Proclamation of the acting Governor. I disarmed this force, ordering the various companies comprising it to repair to their respective places of rendezvous, there to be mustered out of service. My orders were obeyed; the militia retired to their homes, the effusion of blood was prevented, the preservation of Lawrence effected, and a great step made towards the restoration of peace and confidence.

To recount my various official acts, following each other in quick succession under your immediate observation, would be a work of supererogation, and would occupy more space than the limits of an Executive message would justify. My Executive Minutes, containing a truthful history of my official transactions, with the policy which dictated them, have been forwarded to the General Government, and are open to the inspection of the country.

In relation to any alterations or modifications of the Territorial Statutes which I might deem advisable, I promised in my Inaugural Address, to direct public attention at the proper time. In the progress of events that time has arrived, and you are the tribunal to which my suggestions must be submitted. On this subject I speak your candid attention, as it has an inseparable connection with the prosperity and happiness of the people.

It has already been remarked that the Territories of the United States are the common property of the citizens of the several States. It may be likened to a joint ownership in an estate, and no conditions should be imposed or restrictions placed upon the equal enjoyment of all the benefits arising therefrom, which will do the least injustice to any of the owners, or which is not contemplated in the tenure by which it is held, which is no less than the Constitution of the United States, the sole bond of the American Union. This being the position, no obstacle should be interposed to the free, speedy and general settlement of this Territory.

The durability and imperative authority of a State Constitution, when the interests of the people require a State Government, and direct popular vote is necessary to give it sanction and effect, will be the proper occasion, once for all, to decide the grave political questions which underlie a well regulated commonwealth.

Let this, then, be the touchstone of true deliberations. Enact no law which will not clearly bear the constitutional test; and if any laws have been passed which do not come up to this standard, it is your solemn duty to sweep them from the statute book. The Territorial government should abstain from the exercise of authority not clearly delegated to it, and should permit all doubtful questions to remain in abeyance until the formation of a State Constitution.

The repeal of the Missouri law, which was a restriction upon popular sovereignty, now concentrated the great doctrine of self-government, and restored to the people their full control over every question of interest to themselves, both north and south of that line.

Justice to the country and the dictates of sound policy, require that the Legislature should confine itself to such subjects as will preserve the basis of entire equality, and when a sufficient population is here, and they choose to adopt a State government, they shall be "perfectly free, without let or hindrance, to form all their domestic institutions in their own way," and to dictate that form of government which, in their deliberate judgment, may be deemed proper.

Any attempt to incite servile insurrection, and to interfere with the domestic institutions of sovereign States, is extremely reprehensible, and shall receive no countenance from me. Such intervention can result in no good, but is pregnant with untold disaster. Murder, arson, rapine, and death follow in its wake, while not one link in the fetters of the slave is weakened or broken, or any amelioration in his condition secured. Such interference is a direct invasion of State rights, only calculated to produce irritation and estrangement.

Every dictate of self-respect—every consideration of State equality—the

glories of the past and the hopes of the future—all, with soul-stirring eloquence, constrain us to cultivate an reverential awe for the Constitution as the sheet-anchor of our safety, and bid us, in good faith, to carry out all its provisions.

Many of the statutes are excellent, and well suited to our wants and conditions; but in order that they may receive that respect and sanction which is the vital principle of all law, let such be abolished as are not eminently just, and will not receive the fullest approbation of the people. I trust you will test them all by the light of the general and fundamental principles of our government, and that all that will not bear this ordeal, be revised, amended, or repealed. To some of them which strike my mind as objectionable, your candid and special attention is respectfully invited.

By carefully comparing the Organic Act, as printed in the statutes, with a certified copy of the same from the Department of State, important discrepancies, omissions and additions will be discovered. I therefore recommend the appointment of a committee with the original rolls on file in the Secretary's office, to ascertain whether the same liberty has been taken with them as appears to have been taken with the act under which they were made.

Of the numerous errors discovered by me in the copy of the Organic Act, as printed in the statutes, I will refer to one in illustration of my meaning. In the 29th section, defining the Executive authority, will be found the following striking omission—"against the laws of said Territory, and represses for offences." This omission impairs the Executive authority, and deprives the Governor of the necessary power for offences committed "against the laws of the Territory," which Congress, for the wisest and most humane reasons, has conferred upon him.

The Organic Act requires every bill to be presented to the Governor, and demands his signature, as the evidence of his approval, before it can become a law. The statutes are defective in this respect, as they do not contain the date of approval, nor the proper evidence of that fact, by having the Governor's signature.

Your attention is invited to chapter 30, in relation to county boundaries. The boundary of Douglas county is imperfect, and in connection with Shawnee county, is an absurdity for both counties. The boundary lines of all the counties should be absolutely established.

Chapter 44, establishing the Probate Court, also requires attention. The Act is good generally, so far as it relates to the organization and duties of the Court. But all provisions in this and other acts vesting the appointment of Probate Judges, County Commissioners, and other public officers in the Legislative Assembly, should at once be repealed, and the unequal right of election conferred upon the people, whose interests are immediately affected by the acts of those officials. The free and untrammelled right of the people to select their own agents, is a maxim as well settled in political ethics, and springs so legitimately from the doctrines of self-government, that I need only allude to the question to satisfy every one of its justice. The "people must be perfectly free" to regulate their own business in their own way; and when the voice of the majority is fairly expressed, all will bow to it as the voice of God. Let the people, then, rule unequivocally. I have every confidence in the virtue, intelligence, and "sober thought" of the toiling millions. The deliberate popular judgment is never wrong. When in times of excitement the popular mind may be temporarily obscured from the dearth of correct information, or the mists of passion, the day of retribution and justice speedily follows, and a summary reversal is the certain result. Just and patriotic sentiment is a sure reliance for every honest public servant. The sovereignty of the people must be maintained.

Section 15th of this Act allows writs of habeas corpus to be issued by the Probate Judge, but leaves him no authority to hear the case and grant justice, but refers the matter to the "next term of the District Court." The several "terms" of the District Court are at stated periods, and the provision alluded to amounts to a denial of justice and virtually a suspension of the "great writ of liberty," contrary to "the letter and spirit of the Constitution of the United States."

Many provisions of Chapter 66, entitled "Elections," are objectionable. Section 11th, requiring certain "oaths" as prerequisites to the right of suffrage, is wrong, unfair, and unequal upon citizens of different sections of the Union. It is exceedingly injurious to require obedience to any special enactment. The peculiar features of these test oaths should be abolished, and all citizens presumed to be law-abiding and patriotic until the contrary be clearly proved. Every citizen should be presumed to be a law-abiding and patriotic citizen until the contrary be clearly proved. Every citizen should be presumed to be a law-abiding and patriotic citizen until the contrary be clearly proved.

Section 36th deprives electors of the great safeguard of the purity and independence of the elective franchise. It leaves the right to vote by ballot, and after the first day of November, 1856, requires all voting to be done "in person." This provision, taken in connection with section 9th, which provides that "if all the votes offered cannot be taken before the hour appointed for closing the polls, the judges shall, by public proclamation, adjourn such election until the following day, when the polls shall again be opened and the election continued as before," &c., offers great room for fraud and corruption.

Voting time, the condition of the polls, the accuracy of the count, the convenience, propriety and happiness of the party having the election officers are likely to be defeated, they have the option of adjourning for the purpose of drumming up votes, or in the insane desire for victory, may be tempted to resort to other means even more reprehensible. The right of voting by ballot is now incorporated into the constitutions of nearly all the

States, and is classed with the principles deemed sacred. The argument in its favor is so numerous and overwhelming that I have no hesitation in recommending its adoption. The election law should be carefully examined, and such guards thrown around it as will most effectively secure the sanctity of the ballot-box and prevent it from the taint of a single illegal vote. The man who will deliberately tamper with the elective franchise and dare to offer an illegal vote, strikes at the fountain of justice, undermines the pillars of society, applies the torch to the temple of our liberties, and should receive severe punishment. As a qualification for voting, a definite period of actual habitation in the territory, to the exclusion of a home elsewhere, should be rigidly prescribed. No man should be permitted to vote upon a floating residence. He should have a fixed residence within the territory for a period of not less than ninety days, and in the district where he offers to vote at least ten days immediately preceding such election. All the voters should be registered and published for a certain time previous to the election. False voting should be severely punished, and false swearing to secure a vote visited with the pains and penalties of perjury.

This connection your attention is also invited to chapter 92, entitled "Jurors." This chapter leaves the selection of Jurors to the absolute discretion of the Marshal, Sheriff, or Constable, as the case may be, and affords great room for partiality and corruption. The names of all properly qualified citizens, without party distinction, should be thrown into a wheel or box, and at stated periods, under the order of the Courts, Jurors should be selected by lot, by the persons. Too many safeguards cannot be thrown around the right of trial by jury, in order that it may still continue to occupy that cherished place in the affections of the people so essential to its preservation and sanctity.

Some portions of chapter 110, "Militia," infringes the Executive prerogative, impairs the Governor's usefulness, and clearly conflicts with the Organic Act. This Act requires the Executive to reside in the territory, and makes him "Commander-in-chief of the militia." This power must be vested some place, and is always conferred upon the chief magistrate. Section 20th virtually confers this almost sovereign prerogative upon any commissioned officer, "whenever and as often as any invasion or danger may come to his knowledge, to order out the militia or volunteer corps, or any part thereof." The Act is good generally, so far as it relates to the organization and duties of the militia, &c., &c., but giving "any commissioned officer" whatever, at his option, the power to involve the territory in war.

Section 12th provides for a general militia training on the first Monday of October, the day fixed for the general election. This is wrong, and is well calculated to incite terrorism. The silent ballots of the people, unswayed by military display, should quickly and deliberately determine all questions of public interest.

The other sections of the law requiring the appointment of field and commissioned officers, should be repealed. All officers should derive their authority directly from their respective commands, by election. To make the military system complete and effective, there must be entire subordination and unity running from the commander-in-chief to the humblest soldier, and the same spirit must animate the entire system.

The 122d chapter, in relation to "Patrols," is unnecessary. It renders all other property liable to heavy taxation for the protection of slave property, thus operating unequally upon citizens, and is liable to the odious charge of being a system of espionage, as it authorizes the Patrols, an indefinite number of whom may be appointed, to visit not only negro quarters, but "any other places" suspected of unlawful assemblages of slaves.

Chapter 131, "Pre-emption," squanders the school fund by appropriating the school sections contrary to the Organic Act, which provides "that sections numbered sixteen and thirty-six in each township in Kansas Territory, shall be and the same are hereby reserved for the purpose of being applied to schools in said Territory, and in the States and Territories to be erected out of the same." Contrary to the United States pre-emption laws, which forbid trafficking in claims and holding more than one claim, and directs the Governor to grant patents for lands belonging to the United States and only conditionally granted to the Territory. This Act is directly calculated to destroy the effect of a munificent grant of lands by Congress for educational purposes. The Territory is the trustee of this valuable gift, and posterity has a right to demand of us that this sacred trust shall remain unimpaired, in order that the blessings of free education may be shed upon our children.

Every State should have the best educational system which an intelligent government can provide. The physical, moral and mental faculties should be cultivated in harmonious union, and that system of education is the best which will effect these objects. Congress has already provided for the support of common schools. In addition to this, I would recommend the Legislature to ask Congress to donate land lying in this Territory for the establishment of a university, embracing a normal, agricultural, and a mechanical school. A university thus endowed, would be a blessing to our people; disseminate useful and scientific intelligence; provide competent teachers for our primary schools, and furnish a complete system of education adequate to our wants in all the departments of life.

The subject of roads, bridges, and highways, merits your special attention. Nothing adds more to comfort, convenience, prosperity and happiness, and more greatly promotes industrial intercourse and kind feeling, than easy and convenient inter-communication. Roads should be wide and straight, and the various rivers and ravines substantially bridged.

Railroads should be encouraged; and in granting charters, the Legislature should have in view the inter-

estimation of the past and the hopes of the future—all, with soul-stirring eloquence, constrain us to cultivate an reverential awe for the Constitution as the sheet-anchor of our safety, and bid us, in good faith, to carry out all its provisions.

Many of the statutes are excellent, and well suited to our wants and conditions; but in order that they may receive that respect and sanction which is the vital principle of all law, let such be abolished as are not eminently just, and will not receive the fullest approbation of the people. I trust you will test them all by the light of the general and fundamental principles of our government, and that all that will not bear this ordeal, be revised, amended, or repealed. To some of them which strike my mind as objectionable, your candid and special attention is respectfully invited.

By carefully comparing the Organic Act, as printed in the statutes, with a certified copy of the same from the Department of State, important discrepancies, omissions and additions will be discovered. I therefore recommend the appointment of a committee with the original rolls on file in the Secretary's office, to ascertain whether the same liberty has been taken with them as appears to have been taken with the act under which they were made.